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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/541,264               | 06/30/2005  | Reed Heimbecher      | 000-040002US        | 6219             |
| 33486                    | 7590        | 02/19/2008           | EXAMINER            |                  |
| HEIMBECHER & ASSOC., LLC |             |                      | SINGH, RAMNANDAN P  |                  |
| P O BOX 33               |             |                      | ART UNIT            | PAPER NUMBER     |
| HAMEL, MN 55340-0033     |             |                      | 2614                |                  |
| MAIL DATE                |             | DELIVERY MODE        |                     |                  |
| 02/19/2008               |             | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                 |                  |
|------------------------------|-----------------|------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)     |
|                              | 10/541,264      | HEIMBECHER, REED |
|                              | Examiner        | Art Unit         |
|                              | Ramnandan Singh | 2614             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Nov 28, 2007 Aug 08, 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) Claim(s) 6-13 is/are allowed.
- 6) Claim(s) 1-3 and 22 is/are rejected.
- 7) Claim(s) 4 and 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-13 and 22, drawn to a system for identifying an incoming caller to a call-receiving party, classified in class 379, subclass 207.16

II. Claims 14-21, drawn to a system for announcing a particular communication sender of an incoming communication to a particular communication recipient , classified in class 379, subclass 373.02.

2. Applicant's response filed on Nov 28, 2007 confirmed the election of Group I consisting of claims 1-13 and 22. As a result, claims 14-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Hence, this restriction is made FINAL.

***Specification***

3. The proposed amendment to the specification filed on Aug 8, 2007 is disapproved because the paragraph numbers cited therein are incorrect. In the amendment, paragraph [0005] should be [0003]; [0008] should be [0006]; and [0013] should be [0013] should be [0010]. Applicant is required to follow the original specification to facilitate the correction necessitated by the amendment.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kong [US 6,072,859] in view of Fuller et al [US 5,673,200].

Regarding claim 1, Kong discloses a system for identifying an incoming caller to a call-receiving party, as shown in Fig. 1, the system

comprising

means (20) for identifying a telephone number from which an incoming call has been placed [Fig. 1];

means (10) for associating an aural (i.e. audible voice) announcement with the identified telephone number, wherein the aural announcement identifies the incoming caller to the call-receiving party [Fig. 1]; and

means (70) for playing, upon receipt of the incoming call, the aural announcement in response to receipt of a first selected ring pulse, and for selecting and playing a second one of the plurality of aural announcement in response to receipt of a second ring pulse during the incoming call [Figs. 1, 2; col. 3, line 22 to col. 4 line 39; claims 1-9].

Kong does not disclose means for associating a plurality of aural announcements with the identified telephone number.

Fuller et al teach means (control system) for associating a plurality of audible voice announcements with a given telephone number, and selecting and playing one of the announcements [Figs. 1, 7; col. 70, lines 17-26; col. 17, line 47 to col. 19, line 6; col. 3, line 35 to col. 5, line 6; claims 26, 30].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the above cited teachings of Fuller et al with the central processing unit (10) of Kong to associate a plurality of audible voice announcements with a given telephone number in order to enable a user with a choice for selecting and playing one of the plurality of announcements including greeting and other notification messages. [Fuller et al; col. 17, lines 60-67].

Claim 2 is essentially similar to claim 1 except for means for storing a first plurality of selectable announcements. Kong discloses means (memory 50) for storing a first plurality of selectable announcements.

Regarding claim 3, Fuller et al teach the system, wherein the means for selecting the first announcement from the first plurality of selectable announcements and the means for selecting the second announcement from the first plurality of selectable announcements together comprise a single selecting means (i.e. control system) [col. 70, lines 17-26; col. 17, line 47 to col. 19, line 6; col. 3, line 35 to col. 5, line 6; claims 26, 30].

Regarding claim 22, the limitation is shown above.

***Allowable Subject Matter***

6. Claims 6-13 are indicated allowable.
7. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 5 are objected to because claim 4 uses selects one of announcements randomly, and claim 5 selects one of announcement pseudo-randomly.

***Response to Arguments***

8. Applicant's arguments filed on Aug 8, 2007 with respect to the rejection(s) of claim(s) 6-13 under 35 U.S.C §103(a) have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection of claims 1-3 and 22 are made in view of Kong [US 6,072,859].

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access  
to the automated information system, call 800-786-9199 (IN USA OR  
CANADA) or 571-272-1000.



Ramnandan Singh  
Primary Examiner  
Art Unit 2614